

By: Nelson

S.B. No. 1057

A BILL TO BE ENTITLED

AN ACT

relating to information about private health care insurance coverage and the health insurance exchange for individuals applying for certain Department of State Health Services programs and services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 1001, Health and Safety Code, is amended by adding Sections 1001.080 and 1001.081 to read as follows:

Sec. 1001.080. HEALTH INSURANCE COVERAGE INFORMATION. (a)
In this section, "individual's legally authorized representative"
means:

(1) a parent, managing conservator, or guardian of an
individual, if the individual is a minor;

(2) a guardian of an individual, if the individual has
been adjudicated incompetent to manage the individual's personal
affairs; or

(3) an agent of the individual authorized under a
durable power of attorney for health care.

(b) This section applies to a health or mental health
program or service provided by the department or under a department
program that the department anticipates will be impacted by a
health insurance exchange as defined by Section 1001.081(a),
including:

1 (1) community primary health care services provided
2 under Chapter 31;

3 (2) women's and children's health services provided
4 under Chapter 32;

5 (3) services for children with special health care
6 needs provided under Chapter 35;

7 (4) epilepsy program assistance provided under
8 Chapter 40;

9 (5) hemophilia program assistance provided under
10 Chapter 41;

11 (6) kidney health care services provided under Chapter
12 42;

13 (7) human immunodeficiency virus infection and
14 sexually transmitted disease prevention programs and services
15 provided under Chapter 85;

16 (8) immunization programs provided under Chapter 161;

17 (9) programs and services provided by the Rio Grande
18 State Center under Chapter 252;

19 (10) mental health services for adults provided under
20 Chapter 534;

21 (11) mental health services for children provided
22 under Chapter 534;

23 (12) the NorthSTAR Behavioral Health Program provided
24 under Chapter 534;

25 (13) programs and services provided by community
26 mental health hospitals under Chapter 552;

27 (14) programs and services provided by state mental

1 health hospitals under Chapter 552; and

2 (15) any other health or mental health program or
3 service designated by the department.

4 (c) Subject to Subsection (d), the department may not
5 provide a health or mental health program or service described in
6 Subsection (b), unless the individual applying to receive the
7 program or service submits to the department on the form prescribed
8 by the department a statement by the individual or the individual's
9 legally authorized representative attesting that the individual
10 does not have access to private health care insurance coverage that
11 provides benefits for the services provided under the program or
12 service.

13 (d) The department may waive the prohibition under
14 Subsection (c) for an individual or for a mental health program or
15 service described in Subsection (b) if the department determines
16 that the program or service is necessary during a crisis or
17 emergency.

18 (e) The executive commissioner shall adopt rules necessary
19 to implement this section.

20 Sec. 1001.081. HEALTH INSURANCE EXCHANGE INFORMATION. (a)
21 In this section:

22 (1) "Health insurance exchange" means an American
23 Health Benefit Exchange administered by the federal government
24 under 42 U.S.C. Section 18041 or created under 42 U.S.C. Section
25 18031.

26 (2) "Individual's legally authorized representative"
27 has the meaning assigned by Section 1001.080(a).

1 (b) The department shall develop informational materials
2 regarding health care insurance coverage and subsidies available
3 under a health insurance exchange. The informational materials
4 must be in English and in Spanish, and to the extent possible, in
5 other languages.

6 (c) The department shall distribute the informational
7 materials developed under Subsection (b) to an individual or the
8 individual's legally authorized representative who:

9 (1) applies to receive a health or mental health
10 program or service described in Section 1001.080(b); and

11 (2) has an income above 100 percent of the federal
12 poverty level.

13 (d) The executive commissioner shall adopt rules necessary
14 to implement this section.

15 SECTION 2. As soon as practicable after the effective date
16 of this Act, the Department of State Health Services shall
17 prescribe the form required by Section 1001.080, Health and Safety
18 Code, as added by this Act.

19 SECTION 3. Not later than June 1, 2014, the Department of
20 State Health Services shall make available the informational
21 materials required by Section 1001.081, Health and Safety Code, as
22 added by this Act.

23 SECTION 4. As soon as possible after the effective date of
24 this Act, the Health and Human Services Commission shall apply for
25 any waiver or other authorization necessary to implement this Act.
26 The commission may delay implementing this Act until the waiver or
27 authorization is granted.

1 SECTION 5. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2013.